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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**
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13 **ORDER RE PAYMENT OF PRE-CONFIRMATION ADEQUATE PROTECTION**
14 **PAYMENTS**
15 **PURSUANT TO 11 U.S.C. § 1326 IN CHAPTER 13 CASES**
16 **FILED ON OR AFTER OCTOBER 17, 2005 IN THE NORTHERN DISTRICT OF**
17 **CALIFORNIA, OAKLAND DIVISION**
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19 Unless the Court orders otherwise, the debtor shall commence making payments not later
20 than 30 days after the filing of the plan or entry of the Order of Relief or Order of Conversion,
21 whichever is earlier, and every month thereafter in the amount —
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24 a. Proposed by the plan to the Trustee. This amount shall also specifically provide a
25 monthly amount to be paid as adequate protection to each creditor holding an allowed claim
26 secured by personal property to the extent the claim is attributable to the purchase of such
27 property by the debtor for that portion of the obligation that became due after the filing of the
28 plan or entry of the Order of Relief or the Order of Conversion whichever is earlier.

b. With respect to payments for the lease of personal property that became due after the
filing of the plan or entry of the Order For Relief or the Order of Conversion, whichever is
earlier, said payments shall be paid by the debtor directly to the lessor, reducing the payments
under Paragraph (a) above by the amount so paid and providing the Trustee with evidence of
such payment, including the amount and date of payment, at least 3 court days prior to the

1 Confirmation Hearing date.


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3 c. Pursuant to the Trustee's next monthly disbursement cycle, after 30 days of the filing
4 of the plan or entry of the Order for Relief or the Order of Conversion, whichever is earlier, and
5 every 30 days thereafter pending confirmation of the plan, the Trustee shall make the adequate
6 protection payments to each creditor as provided in Paragraph (a) above to the extent the Trustee
7 has such funds on hand.

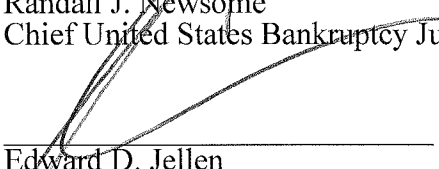
8 d. For purposes of Paragraph (a) above, an allowed claim secured by personal property
9 shall be a proof of claim that complies with Rule 3001, F.R.B.P.

10 e. Upon dismissal of a case prior to confirmation of the plan, the Trustee shall first make
11 such payments required by Paragraph (a) above, then any unpaid claims allowed under
12 11 U.S.C. § 503(b), before returning the balance of the funds being held by the Trustee to the
13 debtor.

14 f. The Trustee may assess an administrative fee for affecting the payments required by
15 Paragraph (a) above and shall collect such fee at the time of making the payment from the funds
16 on hand in the case. The allowed expense fee shall be equal to the percentage fee established by
17 the Attorney General pursuant to 28 U.S.C. § 586(e)(1)(B) in effect at the time of distribution.

18 November 16, 2010


Randall J. Newsome
Chief United States Bankruptcy Judge


Edward D. Jellen
United States Bankruptcy Judge


Roger L. Efremsky
United States Bankruptcy Judge